

MICHAEL J. SHEPARD (Bar No. 91281)
MICHAEL E. LIFTIK (Bar No. 232430)
HELLER EHRMAN LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

Attorneys for Defendant
DANIEL ARMSTRONG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

SHAREEF HASTINGS, TERRI SCOTT,
JACKSON GRANT, AMANDA DE LA
MERCED, and DANIEL ARMSTRONG,

Defendants.

Case No. CR 06-0336-SBA

**STIPULATION AND ORDER FOR
CONTINUANCE AND EXCLUSION
OF TIME UNDER THE SPEEDY
TRIAL ACT, 18 U.S.C. § 3161 ET. SEQ.**

Judge: Hon. Sandra Brown Armstrong

I. INTRODUCTION

On May 30, 2006, defendant Daniel Armstrong appeared before Magistrate Judge Brazil during which a Status/Trial Setting hearing was set for June 13, 2006 before Judge Armstrong in the above-captioned matter. Separately, on May 30, 2006, this Court held a status conference for defendant Shareef Hastings at which time a further status hearing was scheduled for June 27, 2006 before Judge Armstrong. On May 31, 2006, defendant Jackson Grant was arraigned before Magistrate Judge Brazil and a Status/Trial Setting hearing was

1 set for June 27, 2006 before Judge Armstrong. It serves the interests of efficiency and
2 judicial economy to hold a single Status/Trial Setting hearing for Messrs. Armstrong,
3 Hastings and Grant, rather than two separate hearings two weeks apart.

4 Moreover, the government has indicated that there is substantial discovery that it will
5 produce shortly. Mr. Armstrong's counsel would benefit from the opportunity to review
6 this discovery and continue his investigation prior to a Status/Trial Setting hearing. For
7 these reasons, Mr. Armstrong requests a continuance of the hearing date until June 27,
8 2006.

9 **II. STIPULATION**

10 The United States, by its counsel Alicia Fenrick, Esq., and Daniel Armstrong, by his
11 attorney, Michael E. Liftik, Esq., stipulate as follows:

12 1. That Mr. Armstrong's Status/Trial Setting hearing scheduled for June 13,
13 2006 at 9:00 a.m., before the Honorable Sandra Brown Armstrong, be vacated.

14 2. That Mr. Armstrong's Status/Trial Setting hearing be held on June 27, 2006 at
15 9:00 a.m. and concurrently with Mr. Hastings's and Mr. Grant's Status/Trial Setting
16 hearing.

17 3. That the period between June 13, 2006, and June 27, 2006, shall be
18 excludable time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), on the
19 grounds that additional time is needed for review of discovery and investigation, and it
20 serves the interests of judicial economy and efficiency to hold a single Status/Trial Setting
21 hearing for defendants Armstrong, Hastings, and Grant.

22 4. For the foregoing reasons, the parties stipulate and agree that the ends of
23 justice served by the continuance requested herein outweigh the best interests of the public
24 and the defendant in a speedy trial because the failure to grant such a continuance would
25 deny counsel for the defendant reasonable time necessary for effective preparation.

1 DATED: June 9, 2006

Respectfully submitted,

2 HELLER EHRMAN LLP

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4 By /S/
5 MICHAEL E. LIFTIK
6 Attorneys for Defendant
7 DANIEL ARMSTRONG

8 By _____
9 ALICIA FENRICK*
Assistant United States Attorney

10 * I, Michael E. Liftik, attest that Alicia Fenrick has read and approved the STIPULATION
11 AND [PROPOSED] ORDER FOR CONTINUANCE AND EXCLUSION OF TIME
12 UNDER THE SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET. SEQ. and consents to its filing
13 in this action.
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Ehrman LLP

FINDINGS AND ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS:

1) The ends of justice served by the granting the continuance requested herein outweigh the best interests of the public and the defendant in a speedy trial.

2) The failure to grant the continuance requested herein would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3) Granting the continuance requested herein would serve the interests of efficiency and judicial economy so that a single Status/Trial setting hearing can be held at this time.


Based on these findings, IT IS HEREBY ORDERED THAT:

1) The hearing set for June 13, 2006, scheduled at 9:00 a.m. before the Honorable Saundra Brown Armstrong be vacated and reset for June 27, 2006 at 9:00 a.m.

2) Time be excluded under the Speedy Trial Act from June 13, 2006 to June 27, 2006.

IT IS SO ORDERED

DATED: 6/13/06


THE HONORABLE SAUNDRA BROWN
ARMSTRONG
UNITED STATES DISTRICT JUDGE